

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

December 9, 2005

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

Oahu

Forfeiture of Revocable Permit No. S-6258, Jose and Corazon
Gaceta, Permittees, Ahupua'a 'O Kahana State Park,
Koolauloa, Oahu, Tax Map Key:5-2-02

PURPOSE:

Forfeiture of Revocable Permit No. S-6258, Jose and Corazon
Gaceta, Permittees.

LEGAL AUTHORITY:

Section 171-55, Hawaii Revised Statutes, as amended.

LOCATION AND AREA:

Portion of Government lands of Kahana situated at Kahana,
Koolauloa, Oahu, Tax Map Key:5-2-02, consisting of 0.627 acres,
as shown on the attached map labeled Exhibit A.

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State
Constitution: YES _____ NO x

CHARACTER OF USE:

General agriculture/residence purposes.

COMMENCEMENT DATE OF PERMIT:

Commenced on January 1, 1986.

MONTHLY RENTAL:

\$33.00

REMARKS:

Pursuant to the provisions contained in Revocable Permit S-6258, Jose and Corazon Gaceta, Permittees, were mailed a notification letter dated September 28, 2005 for:

- _____ Failure to keep lease rental payments current
- _____ Failure to post required security deposit
- _____ Failure to post required fire insurance policy
- x Failure to post required liability insurance policy (expired 8/27/05)

This letter offered the Permittee a thirty-day cure period to correct the default. This cure period expired on October 29, 2005. As of November 28, 2005, this breach has not been cured. Monarch Insurance Services, Inc. informed staff that the premium was not renewed and phone messages were not returned. Staff calls to the permittee also were not returned. The draft Board submittal was mailed November 3, 2005 with a cover letter requesting a response if there were any corrections. No response was received.

As of November 10, 2005, the current status of all permit compliance items is as follows:

RENT: The Permittees are current with their rent.

INSURANCE: The Permittees have not posted the required liability insurance policy (expired 8/27/05).

SECURITY DEPOSIT:
The Permittees have posted the required security deposit of \$66.00.

During the past two years there has not been any notification letters for non-compliance issues.

RECOMMENDATION: That the Board:


1. Authorize the cancellation of Revocable Permit No. S-6258 in the manner specified by law;
2. Authorize the retention of all sums heretofore paid or pledged under Revocable Permit No. S-6258 as liquidated damages;
3. Terminate the lease and all rights of Permittees and all

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obligations of the Permittor effective as of December 9, 2005 provided that any and all obligations of the Permittee which have accrued up to said effective date or which are stated in the lease to survive termination shall endure past such termination date until duly fulfilled, and further provided that Permittor reserves all other rights and claims allowed by law; and

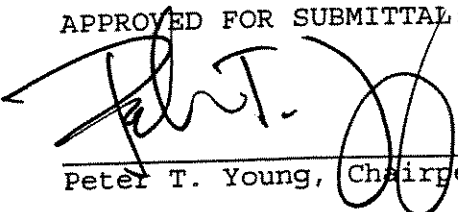
4. Authorize the Department of the Attorney General, the Department of Land and Natural Resources, or their agents to collect all monies due the State of Hawaii under Revocable Permit No. S-6258 and to pursue all other rights and remedies as appropriate.

Respectfully Submitted,



m Al Jodar
Land Agent

APPROVED FOR SUBMITTAL:



Peter T. Young, Chairperson

DE KAWAHA, KOOA, KULOA, OAHU

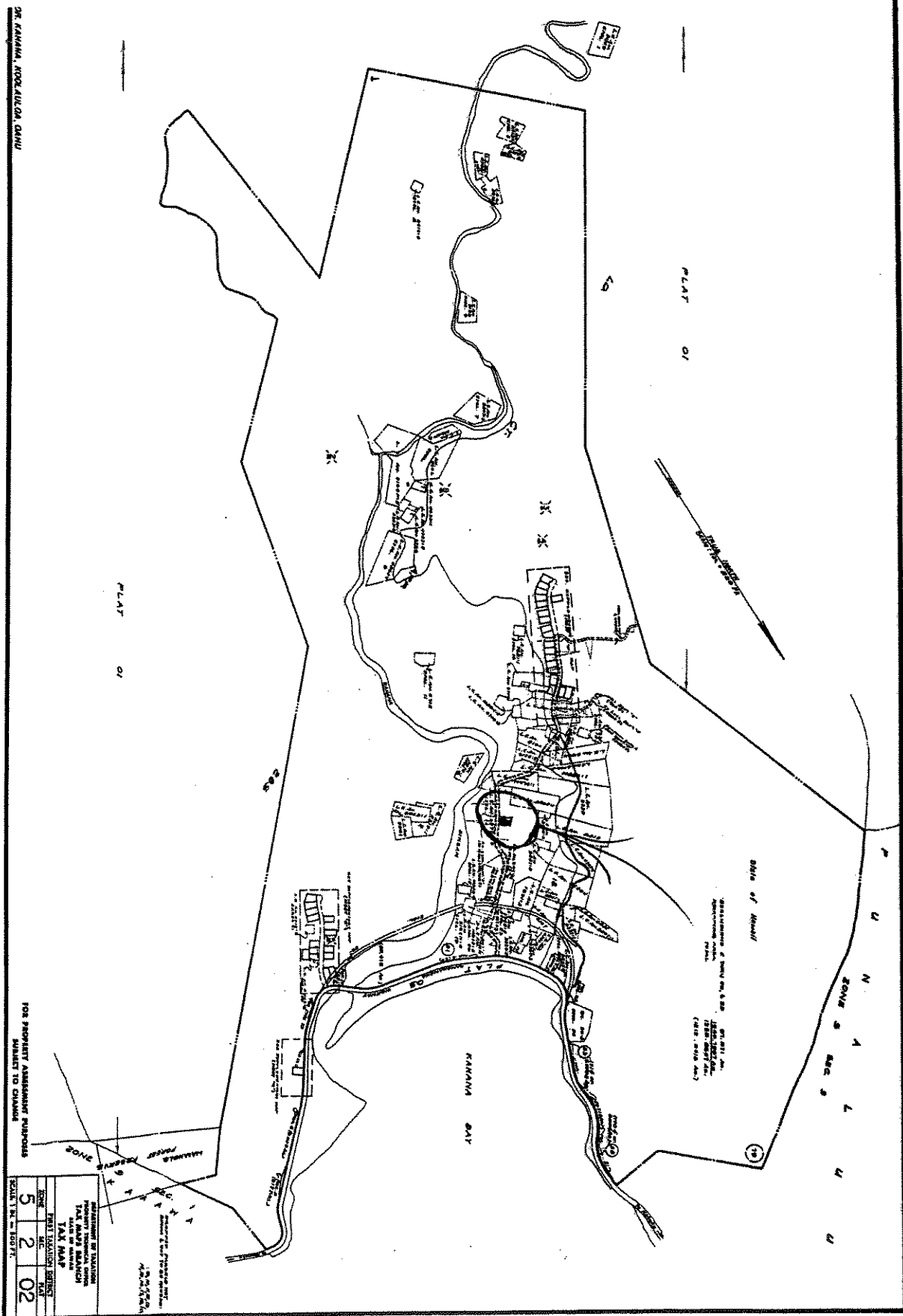


EXHIBIT "A"